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## Insurance and Pensions

*Workmen's Compensation.* By J. E. RHODES, 2D. (New York: The Macmillan Company. 1917. Pp. 300. \$1.50.)

The production of a brief history of compensation legislation, and a simple and clear statement of the principles underlying it is the attractive task that the author sets himself. Being "claim examiner in the compensation and liability department of a large insurance company," Mr. Rhodes has a background of practical experience, and also a point of view that is occasionally manifest. Thus the matter of insuring the obligation to pay compensation is argued to a result that favors stock companies as against state funds or private mutuals more definitely than many students of the question are ready to accept. Then there is a degree of altruism suggested in the account of the safety campaigns of insurance companies that seems a little roseate; and the same may be said of the statement that insurance companies frequently settle doubtful claims, to avoid litigation, where the insured employer, if left to his own choice, would contest the case.

But there is a generous approval of the compensation system, and an anticipation of its liberalization both in scope and in the forms and measure of relief afforded, a consummation that is regarded as desirable from both the humane and the economic standpoint. Particularly timely are: the insistence on unlimited medical and surgical aid, looking to the earliest and fullest possible restoration of earning capacity of the injured workman; the recommendation that occupational diseases be made the subject of compensation along with accidental injuries, as usually classed; and the encouragement of accident prevention and other measures of conservation.

The first of the ten chapters of the book is devoted to an introductory survey, which traces briefly the development of our system of production and transportation, and the inadequacy of the old principles of the employer's liability to meet the resultant economic conditions, the consequence being that the workman was deprived of the liberties theoretically possessed by him. Then follows a discussion of industrial accidents and accident insurance, the latter a field in which the author is clearly at home; an account of the European background, limited to a review of the German and English systems; the development of the movement in this country; state legislation and its constitutionality; the

insurance of the compensation obligation; the administration of compensation laws; and some social aspects of the subject.

An appendix gives in some detail the history of the movement for a compensation law in New York, as illustrative of the situation generally; reproduces the pamphlet of the American Association for Labor Legislation on *Standards for Workmen's Compensation Laws*; and presents comparable digests of the various laws in force at the end of the year 1916. A bibliography and index complete the work.

The titles of the chapters as announced, and their fairly logical sequence, raise a hope of onward-moving discussion that is only partly realized. There is first a futile attempt to correct what the author calls the "inaccuracy" of restricting the term "employers' liability" to the earlier system, as distinguished from "its statutory successor, the compensation system," holding that they are "parts of the general legal system of employers' liability"; so that they should be considered merely as two branches of the same subject, distinguished as "the common law system," and "the compensation system."

Granting the identity of the principals in the adjustment of matters, the employer and the employee, and also the partial similarity of the results aimed at, the basic difference between a liability based on fault and a benefit based on status would seem to warrant the admittedly common "matter of usage" of the reprobated terms as distinctive. One suggests the liability of the employer charged with negligence; the other contemplates the compensation of the workman injured while in the status of employee. The author's criticism is the more unconvincing from the fact that he himself refers repeatedly to the fundamental differences between the two terms, as where he says: "The very basis of the compensation system is a legal recognition of the practical economic condition and a repudiation of the individualistic theory upon which the common law system of employers' liability is based." (P. 7; and see pp. 45, 161, 180, 214.) An impression of vagueness of classification is also given by designating laws relative to the safety and health of employees, and those regulating the employment of women and children as "that part of labor legislation which relates to employers' liability," including as the third group "a certain class of statutes which, appropriating the name of the subject itself, have gone under the name 'employers' liability' acts."

To this lack of definite demarcation of his subject may be charged a considerable expansion of the volume; but the loose construction of many of the sentences and the author's habit of interjecting numerous qualifying clauses as he goes along are probably more responsible, as well as rendering the perusal of the book much less satisfactory than would otherwise be the case. The comma is practically the only mark of punctuation used other than the period, and sentences of ten, twelve, fourteen, and even more lines move uncertainly and unassisted to their conclusion. Then too it seems difficult to dismiss an idea with a single, apparently adequate, presentation, repetitions being made sometimes in the same paragraph, and sometimes in sections more remote. These facts, with an occasional infelicity in the choice of an important word, suggest the phrase used by the hurried business man, "Dictated, but not read."

The freshness of the work is evidenced by a discussion in proper places of the Supreme Court decisions rendered March 6, 1917, on the constitutionality of the compensation laws of New York, Washington, and Iowa; but just above (p. 126) is noted the proposed amendment of the constitution of Oklahoma, with no mention of the fact that it was rejected August 1, 1916. A minor error appears where it is said (p. 141; *cf.* p. 252) that no law provides for a waiting period of more than two weeks; and while the law of Colorado was changed on April 23 to provide a two weeks period, the new law of New Mexico, enacted March 13, 1917, established a three weeks waiting time. And to say that "no State has any authority to pass legislation which will be effective beyond its own borders" (p. 65), is to put the matter baldly, to say the least, in view of the "full faith and credit" clause of the federal Constitution, and the numerous decisions thereunder.

It is with regret, therefore, that the conclusion is reached that the demand for a concise and logical account of the movement for workmen's compensation, and of the principles involved, is not adequately met by this volume; though its excellent forward-looking spirit, its satisfactory index, and its pretty full bibliography combine with the presentation of much material of interest and value to offset in a large degree the defects noted.

LINDLEY D. CLARK.

*Washington, D. C.*

*A Comprehensive Plan of Insurance and Annuities for College Teachers.* By HENRY S. PRITCHETT. The Carnegie Founda-